

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS
DIVISION 1: BUSINESS LICENSES AND REGULATIONS
Chapter 22: CONSUMER PROTECTION BUSINESS PERMIT

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41.2201 Purpose and Authority.

The purpose of this Chapter is to establish, pursuant to California Business and Professions Code section 12103.5 and California Code of Regulations, title 4, section 4500 et. seq., permitting requirements to identify, monitor and impose criminal penalties on those persons commercially engaged in the packaging of commodities in advance of sale and those persons utilizing for commercial purposes automated systems for retail commodity pricing referred to as "scanners."

Ordinance 3669 (1996);

41.2202 Definitions.

For the purposes of this Chapter, the following words and phrases are defined and shall be construed as having the following meaning:

- (a) "Department" shall mean the Department of Agriculture/Weights and Measures of the County of San Bernardino.
- (b) "Person" shall mean any person, firm, corporation, business or association.
- (c) "Sell" includes barter, exchange, trade, keep for sale, offer for sale or expose for sale in any of their variant forms.
- (d) "Packer" shall mean any person engaged in wrapping or packaging of a commodity prior to and for the purpose of sale wherein the item wrapped or packaged is sold on the basis of weight, count, volume or area.
- (e) "Scanner" shall mean any automated electronic system which determines, by means of coded information, the price of an item.
- (f) "Location" shall mean any room, enclosure, building, vehicle, space or area at a single place.
- (g) "Commercial Purpose" includes any sale of a commodity or thing by a person.

Ordinance 3669 (1996);

41.2203 Permit Requirement.

- (a) It shall be unlawful for any packer to sell any commodity or thing or for a person to use a scanner for commercial purposes without first obtaining a permit in accordance with the provisions of this Chapter. A separate permit shall be required for each location.
- (b) Permits shall be issued upon written application on a form furnished by the Department and payment of fees by the applicant.
- (c) Packers of less than 10,000 packages per year shall be exempt from permit requirements.

41.2204 Duration and Transferability of Permit.

- (a) All permits shall be valid for up to one year and expire on June 30th of each year. Renewal of a permit shall be made in a manner similar to the issuance of the original permit.
- (b) Permits shall not be transferable between persons or locations.
- (c) Permittees shall not lease, sublet, subcontract, or in any manner allow any other person or entity to engage in activities regulated under the permit, except as an employee of the permittee.

Ordinance 3669 (1996);

41.2205 Posting of Permit.

At each location, the applicable permit shall be posted in a conspicuous place in or on the premises in respect to which it is issued and shall be exhibited to any official of the Department.

Ordinance 3669 (1996);

41.2206 Fees.

The permit fee for any person operating as a packer or utilizing a scanner shall be as established by Chapter 2 of Division 6 of Title 1 of the San Bernardino County Code.

Ordinance 3669 (1996);

41.2207 Violations.

It shall be unlawful for any person or any permittee, employee or agent thereof to do any of the following:

- (a) Pack or use scanners without a current permit.
- (b) Fail to post the permit as required.
- (c) Fail to comply with the provisions of Division V of the California Business and Professions Code or Division 9 of Title 4 of the California Code of Regulations.

Ordinance 3669 (1996);

41.2208 Suspension or Revocation of Permit.

(a) The permit of any person found in violation of any provisions of Division V of the California Business and Professions Code or of section 41.2207 of this Chapter more than three times in a twelve-month period shall be suspended until restored pursuant to section 41.2210 of this Chapter.

(b) The permit of any person found in violation of the provisions of Division V of the California Business and Professions Code or section 41.2207 of this Chapter within six months of having said permit restored pursuant to section 41.2210 of this Chapter, shall be revoked.

Ordinance 3669 (1996);

41.2209 Appeal of Suspension or Revocation of Permit.

Upon the occurrence of any grounds for the suspension or revocation of a permit, the Agricultural Commissioner/Sealer may suspend or revoke the permit. Notice of this action to suspend or revoke a permit shall be served upon the permittee either by personal service or by registered mail to the address listed on the permit. The permittee may, within ten (10) days after the service or receipt of the notice, demand a hearing as to why the permit should not be continued in full force and effect. The hearing shall be before the Agricultural Commissioner/Sealer or his or her designee and be conducted according to the procedures for other administrative hearings set forth in Business and Professions Code section 12015.3.

Ordinance 3669 (1996);

41.2210 Restoration of Permit.

A suspended or revoked permit shall be restored or reissued when the permittee has corrected all violations and is in full compliance with Business and Professions Code, Division V and with section 41.2207 of this Chapter.

Ordinance 3669 (1996);

41.2211 Penalties.

(a) Unless otherwise provided, any person violating any provision of this Chapter shall be guilty of an infraction or misdemeanor as hereinafter specified.

(b) Each day or portion thereof such violation is in existence shall be a new and separate offense.

(c) Any person so convicted shall be:

(1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) and not less than fifty dollars (\$50.00) for a first offense;

(2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) and not less than one hundred dollars (\$100.00) for a second offense.

(3) guilty of a misdemeanor for the third and any additional offenses and punished by a fine not exceeding one thousand dollars (\$1,000.00) and not less than five hundred dollars (\$500.00) or six months in jail, or both.

(d) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor.

(e) Payment of any fine or service of a jail sentence shall not relieve a person from the responsibility of correcting the condition resulting from the violation.

(f) In addition to the above penalties, the court may order that the guilty party reimburse the County for all of its costs of investigating, analyzing and prosecuting the enforcement action against the guilty party. The court shall fix the amount of any such reimbursement upon submission of proof of such costs by the County.

(g) In addition to all other remedies provided by this Chapter or State law, in the event of continuing violation of the provisions of this Chapter, the Department may seek injunctive relief to restrain further violation.

Ordinance 3669 (1996);

ORDINANCE 3704

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 22: ISSUANCE OF FILMING PERMITS AND FEES

Sections:

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41.2201 Purposes.

Film, television, and commercial production play an important role in the economy of San Bernardino County that should be encouraged. This Chapter will further such activities within the County by authorizing a centralized Film Office that will coordinate Filming Permits and fee processing and encourage filming activity.

Ordinance 3704 (1997);

41.2202 Authority.

Pursuant to Sections 14999.20, 14999.21, 15335.22(d), 15338, and 65850.1(a) of the Government Code of the State of California, the Board of Supervisors has authority to adopt an ordinance governing the issuance of permits to engage in the use of property for occasional commercial filming on location, establishing a centralized County permit processing office, and authorizing use of a permit application form.

Ordinance 3704 (1997);

41.2203 Permits Required.

Except as set forth herein, a Filming Permit shall be required for all commercial filming done in the unincorporated area of San Bernardino County, or when facilities are used that belong to, are managed by, or are under the jurisdiction of the County of San Bernardino. Filming Permits shall, unless otherwise specified herein, be required for all visual recording processes that record motion.

Ordinance 3704 (1997);

41.2204 Exemptions: Fees/Charges and Permits.

(a) Full Exemptions.

The following uses are exempt from the requirement of obtaining a Filming Permit, but must otherwise comply with all applicable laws, rules, and regulations:

- (1) Activity at an existing approved film studio. A Filming Permit will only be required if filming is done away from a permanent facility approved for such use;
- (2) Filming Activity for private or family use;
- (3) Filming Activity for use in criminal or civil proceedings;
- (4) News Media Filming Activity;
- (5) Filming Activity for educational and governmental purposes;
- (6) Local origination programs for cable television systems franchised with the County; and
- (7) Filming of emergencies including, but not limited to, fire, floods and emergency police activities.

(b) Partial Exemptions:

The following users are required to apply for a Filming Permit and to pay all fees, costs and reimbursements except for the Filming Permit Processing Fee referred to in Section 41.2208(a) and set forth in Section 16.0210A of the San Bernardino County Code, from which they are exempt.

- (1) Charitable Filming Activity; and
- (2) Filming Activity by a student who has submitted a letter written on school letterhead by a school administrator or instructor stating that the applicant is currently enrolled in a recognized U. S. educational institution and that the film shall not be commercially released in any manner whatsoever.

Ordinance 3704 (1997);

41.2205 Film Office.

The Board shall designate a liaison between persons seeking Filming Permits ("Permittees") and the County, which liaison shall be referred to as the "Film Office." In addition, the Film Office will promote filming activities in San Bernardino County, will assist production companies in finding filming locations within San Bernardino County, will maintain a location photograph library, will coordinate with local businesses for production company support, and will serve as a marketing agent for the County.

Ordinance 3704 (1997);

41.2206 Notification of District

Upon the filing of an application for a Filming Permit, the Film Office will give written notification of the filing of the application to the County Supervisor for the district wherein the filming will be done.

Ordinance 3704 (1997);

41.2207 Film Office Liaison Functions

The Film Office will act as liaison between Permittees and the County for obtaining Filming Permits and paying County fees and other costs. Each County department shall have final approval or denial authority for use of the County properties for which it is responsible, and for issuance of permits for which it is responsible. When necessary, the Film Office may facilitate direct contact between Permittees and any County department or employee. The Film Office shall remit to the County all fees, costs and reimbursements collected on behalf of the County.

(a) Facilities Management - Facilities Management is responsible for scheduling the use of County owned or leased properties. Costs and fees charged by Facilities Management are set forth hereafter.

(b) County Fire Department - Permittees shall comply, at all times, with the Uniform Fire Code. On behalf of the County Fire Department, the Film Office will accept applications for fire safety permits. The Film Office will remit all County Fire Department fees and gather the required information and documentation for submittal to the County Fire Department. Once all requested information is received by the County Fire Department, the application will be reviewed. When approved, fire safety permits shall be delivered by the County Fire Department to the Film Office. The Film Office will then forward the fire safety permits to the Permittee. The hard copy of the fire safety permit will be maintained on file with the County Fire Department.

At the discretion of the County Fire Department, an event may require standby fire department personnel or equipment for public safety. These costs shall be paid as set forth hereafter.

(c) Sheriff's Department -

(1) Sheriff's Facilities and Services.

The Film Office shall coordinate the assistance of the Sheriff's Office in filming activities through the Organizational Information Division of the Sheriff's Department. The Sheriff's Department shall charge Permittees for use of Sheriff's equipment, facilities and services, and for reimbursement of the costs therefor.

(2) Explosive Control Unit.

On behalf of the San Bernardino County Sheriff's Explosive Control Unit, the Film Office will accept applications for renewal and reactivation of explosive permits for special effects operators and will collect, and remit to the Sheriff's Department, all applicable fees. Applicants for new explosive permits will be required to present themselves in person at the Sheriff's Department for photographs and fingerprinting. The Film Office will remit all explosive permit fees to the San Bernardino County Sheriff's Department and forward the required documentation to the Sheriff's Explosive Control Unit. A photo copy of the applicants' pyrotechnic/special effects operator's license must accompany the application.

Applicants for explosive permits, and holders thereof, shall at all times comply with all laws, regulations and ordinances concerning explosives and pyrotechnic devices including, but not limited to, Division 11 of the Health and Safety Code (Health and Safety Code Section 12000, et seq.), regulations promulgated by the State Fire Marshal, and Section 45.011 of the San Bernardino County Code.

(d) Department of Public Health, Division of Environmental Health Services - The Division of Environmental Health Services of the County will provide assistance to the Film Office as needed. All filming sites shall be kept in a safe and sanitary condition. All trash shall be contained in proper receptacles and disposed of by a San Bernardino County permitted refuse hauler. All pumping of portable toilets must be done by a liquid waste hauler with a permit from San Bernardino County. Food vehicles and food caterers shall be approved and permitted by Environmental Health Services prior to filming, if food is to be provided on site, unless otherwise agreed by Environmental Health Services. To expedite this permitting procedure, the Film Office will gather the required information and documentation for submittal to Environmental Health Services. All required permit fees will be paid to the Film Office and forwarded to Environmental Health Services.

(e) Community and Cultural Resources Departments (Parks and Museum) - The Film Office will coordinate filming activity involving Parks or the County Museum through the Community and Cultural Resources Department. The Film Office will accept applications for filming activity and gather all required documentation and information from the applicant. A completed application and supporting documentation will be submitted by the Film Office to the Community and Cultural Resources Department for its review and approval. The Community and Cultural Resources Department will determine if any park personnel will be required to be present during filming. The Community and Cultural Resources Department will forward approved permits to the Film Office and maintain a hard copy on file until such time as it may be destroyed pursuant to law.

(f) Transportation/Flood Control Department - On behalf of the Transportation/Flood Control Department, the Film Office will accept applications and fees for filming activity and for road encroachment permits. The Film Office will obtain all necessary information from a Permittee and supply it to the Department. The Film Office will pay to the Transportation/Flood Control Department all fees and other monies collected from a Permittee. If the activity must be approved by the California Highway Patrol, a permit will not be issued until proof of such approval is submitted to the Transportation/Flood Control Department, directly or via the Film Office. When approved, the permit will be forwarded to the Film Office which will then forward the permit to the Permittee. The Transportation/Flood Control Department will retain the hard copy on file until such time as it may be destroyed pursuant to law.

(g) Airports Department - On behalf of the San Bernardino County Airports Department, the Film Office will accept applications and fees for filming activity on County controlled airports. The Film Office will forward all required fees to the Airports Department, collect all necessary information and documentation from the Permittee, and provide it to the Airports Department. When approved by the Airports Department, the permit will be forwarded to the Film Office, which will then forward it to the Permittee. A hard copy of the permit will be maintained on file with the Airports Department until such time as it may be destroyed pursuant to law.

(h) Building & Safety Division - When applicable, the Building and Safety Division will review and approve Permit applications that involve the construction of new sets, or the physical alteration of existing buildings within the County unincorporated areas. This activity will be coordinated through the Film Office, which will accept applications

from Permittees and will pay to the Building and Safety Division any fees that the Film Office collects on its behalf. The Film Office may refer Permittees to the Building and Safety Division when direct contact would expedite processing the permit application.

(i) Special Districts Department - On behalf of the Special Districts Department, the Film Office will accept applications and fees for filming activities in areas under the jurisdiction of, or facilities managed or administered by the Special Districts Department including, but not limited to, Board-governed special districts, County Service Areas, Lake Arrowhead Dam, and other facilities. Such facilities include various roads, cemeteries, parks and recreation areas, zoos, open space, water and sanitation facilities and other facilities throughout San Bernardino County. In addition to fees for use of areas, facilities, and services, Permittees shall pay a non-refundable fee for temporary use or closure of a road, the excavation of a trench, and the placement of meters and locks on hydrants used to provide water for filming purposes.

The Film Office will coordinate construction and safety inspections, where necessary, by the Special Districts Department and by the Building and Safety Division of any construction by Permittee acting under the jurisdiction of the Special Districts Department.

The Film Office will obtain all necessary information from the Permittee and supply it to the Special Districts Department. The Film Office will pay to the Special Districts Department all fees and other monies collected from the Permittee on behalf of the Special Districts Department. The Special Districts Department will retain the hard copy of any permits it may issue until such time as the permits may be destroyed pursuant to law.

Ordinance 3704 (1997);

41.2208 County Permits, Fees, Costs and Reimbursements.

Prior to the issuance of a Permit, the Permittee must pay the applicable fees and deposits set forth herein, and in other applicable laws, ordinances, rules and regulations. Such fees shall be collected by the Film Office and paid over to the appropriate County Department, except for the Film Permit Processing Fees, which shall be retained by the Film Office.

(a) Filming Permit Processing Fees - Filming Permit Processing Fees are set forth in Section 16.0210A of the San Bernardino County Code. Such fees shall be paid to the Film Office which shall keep them for payment of its services.

(b) County Fire Department Fees - In the event that any fire safety permits are required, they shall be obtained through the Film Office from the local fire department or County Fire Department, as appropriate. The County Fire Department will distribute information to, and coordinate actions with, local fire departments, as appropriate.

At the discretion of the fire department with jurisdiction over the area where the filming will be done, an event may require fire department personnel or equipment for public safety. These costs shall be paid prior to the event. The County Fire Department shall charge the fees for fire safety permits set forth in Section 16.0211A(c) of the San Bernardino County Code, and shall charge for necessary fire department personnel or equipment pursuant to the Uniform Fire Code, as amended. Such fees may be paid to the Film Office, which will remit them to the appropriate fire agency.

(c) Sheriff's Department - The Sheriff's Department may negotiate directly, or through the Film Office, for use of Sheriff's Equipment, facilities and services, and for reimbursement of the costs thereof. In the event that a Class I Explosive is to be utilized for any part of the Permittee's Filming Activity, an Explosive Permit must be obtained from the San Bernardino County Sheriff's Department. Fees charged by the Sheriff's Department are set forth in Section 16.0226 of the San Bernardino County Code. Unless otherwise directed by the Film Office, the fees shall be paid by the Permittee to the Film Office prior to issuance of the permit. All fees shall be paid by the Film Office to the Sheriff's Office.

(d) Road Encroachment Permit, Trench Excavation, Flood Control Permits If the filming activity will involve the temporary use or closure of a County road or highway, excavation of a trench, or use or disturbance of a flood control channel, a non-refundable permit must be obtained through the Film Office from the San Bernardino County Transportation and Flood Control Department. These permits must be obtained even if the use is otherwise exempt pursuant to Section 41.2204. Fees for road use or closure, and fees for trench excavation are respectively set forth in Sections 16.0225(a) and (b) of the San Bernardino County Code. Fees concerning use, access and disturbance of flood control channels, and related matters, are set forth in Section 16.0212 of the San Bernardino County Code.

(e) Environmental Health Services - If, during the filming, the Permittee operates a food concession, the Permittee shall pay the fees set forth in Section 16.213(b)(9) and (10) of the San Bernardino Code, as amended. If a subcontractor of Permittee, or an independent contractor, provides a food concession, such person, and not the Permittee, shall be responsible for payment of the fees set forth in Section 16.213(b)(5) and (6) of the San Bernardino County Code, as amended.

(f) Airport Use Fees - The Film Office shall charge, collect, and remit to the Airports Department the fees set forth in Section 16.022 of the San Bernardino County Code.

(g) Museum Fees - If the services or facilities of the County Museum are used by the Permittee, the Permittee shall pay the fees and charges set forth in Section 16.0218 of the San Bernardino County Code, as

amended, to the Film Office which shall remit them to the Community and Cultural Resources Department on behalf of the Museum.

(h) Regional Park Fees - If using the facilities or services of the Regional Parks, Permittee shall pay the fees and charges set forth in Section 16.0223 of the San Bernardino County Code, as amended, or such other fees and charges as may be charged by the Community and Cultural Resources Department. The fees and charges shall be paid to the Film Office, which shall immediately remit them to the Community and Cultural Resources Department.

(i) Special Districts Department - The Film Office shall charge, collect, and immediately remit to the Special Districts Department the fees set forth in Section 16.0226A of the San Bernardino County Code, as amended, and such other fees and charges as may be charged by the Special Districts Department.

The Film Office shall also collect any fees, including fees for coordinated permits, that the Permittee may need for water and/or sanitation services within the jurisdiction of the Special Districts Department. Additional fees may be collected for meters and locks that may be necessary for the use of hydrants to provide water for uses other than that of the County Fire Department.

(j) Other County Departments - If Permittee uses county services, or property owned, leased, or managed by a county department other than those listed herein, Permittee shall pay the Film Office such charges as are provided in the San Bernardino County Code, as amended, or that may be required by the department directly or through the Film Office. The Film Office shall collect such charges and forward them to the appropriate Department.

Ordinance 3704 (1997);

41.2209 Billing Procedures.

All projected fees, reimbursements and costs must be paid to the Film Office prior to the issuance of a Permit. Upon completion of the project for which the Permit was issued, reimbursements and costs actually incurred shall be determined. Overpayments will be returned by the Film Office within 30 days from the conclusion of the activity. Underpayments will be billed to Permittee by the Film Office and are due within 30 days of the day the billing is mailed. Should the underpayments not be timely paid, the affected County Department may pursue collection of the underpayment.

Ordinance 3704 (1997);

41.2210 Indemnification.

The Permittee agrees, as a condition of receiving a Permit, to indemnify, defend and hold harmless the County of San Bernardino, the San Bernardino County Flood Control District and all Districts, County Service Areas, and other entities governed by the San Bernardino County Board of Supervisors along with their authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of the filming activity from any cause or source whatsoever, including, but not limited to, the acts, errors or omissions of any person, and for any costs or expenses incurred by any of the aforementioned entities and individuals on account of any claim therefor, except where prohibited by law. Permittee further agrees to be responsible for payment of any medical charges incurred at any County facility as a result of injury to any person arising out of the filming or still photography activity.

Ordinance 3704 (1997);

41.2211 Insurance.

(a) Types of Insurance - Without in any way affecting the indemnity provided herein, and in addition thereto, the Permittee shall, at its sole expense, maintain at all times the following types of insurance with limits as shown:

(1) Comprehensive General and Automobile Liability Insurance - This coverage to include contractual coverage and automobile coverage for owned, hired and non-owned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than one million dollars (\$1,000,000).

(2) Pyrotechnic Liability Insurance - In the event that a Class I Explosive permit is to be utilized for any part of the Permittee's Filming Activity, the Permittee will be required to obtain specific pyrotechnic coverage at an amount to be determined by the County Risk Manager as suitable for the scope of the planned pyrotechnic/special effects explosion(s). The minimum requirement for any pyrotechnic coverage policy shall be combined single limits for bodily injury and property damage of not less than two million dollars (\$2,000,000) per occurrence.

(3) Aircraft Liability Insurance - (when applicable), with combined single limits of \$10,000,000 for bodily injury (including passengers), death and property damage.

(4) Workers' Compensation - A program of Workers' Compensation insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with \$250,000 limits, covering all persons providing services on behalf of the Permittee and all risks to such persons. Permittee shall also require all subcontractors to maintain such a program of Workers' Compensation insurance for all persons providing services on behalf of the subcontractors.

(b) Policy Provisions:

(1) Additional Named Insured - All policies, except for Workers' Compensation policies, shall contain additional endorsements naming the County and its officers, employees, agents and volunteers as additional named insured with respect to liabilities arising out of Permittee's Filming Activities.

(2) Waiver of Subrogation Rights - Permittee shall require the carriers of the above required coverages to waive all rights of subrogation against the County, its officers, employees, agents, volunteers, contractors and subcontractors.

(3) Policies Primary and Non-Contributory - All policies required above are to be primary and non-contributory with any insurance or self-insurance programs carried or administered by the County.

(c) Proof of Coverage - Permittee shall, prior to issuance of the Filming Permit, furnish certificates of insurance to the Film Office evidencing the insurance coverage, including endorsements, above required, which certificates shall provide that such insurance shall not be terminated or expire, prior to expiration of the Filming Permit, without thirty (30) days written notice to the Film Office, and Permittee shall maintain such insurance throughout the period of the Permit.

(d) Insurance Review - The above insurance requirements are subject to periodic review by the County. The County's Risk Manager is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

41.2212 Film Credits.

The County of San Bernardino requests to be listed in the film credits.

Ordinance 3704 (1997);

41.2213 Other Regulatory Provisions.

Compliance with the provisions of this chapter does not exempt a Permittee from compliance with other requirements of this Code, with the laws of the State of California, and with the laws of the United States.

Ordinance 3704 (1997);

****NOTE: THE SECTIONS IN CHAPTER 23 WERE INCORRECTLY DESIGNATED AND A CLEANUP ORDINANCE WILL BE FORTHCOMING TO MAKE THAT CORRECTION.**

TITLE 4: BUSINESS AND SPECIAL LICENSES, REGULATIONS

DIVISION 1: BUSINESS LICENSES AND REGULATIONS

Chapter 23: ISSUANCE OF STILL PHOTOGRAPHY PERMITS AND FEES

Sections:

41.2201	Purposes.
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41.2210	Indemnification.
41.2211	Insurance.
41.2212	Film Credits
41.2213	Other Regulatory Provisions.

41.2201 Purposes.

Still photography plays an important role in the economy of San Bernardino County that should be encouraged. This Chapter will further such activities within the County by authorizing a centralized Film Office that will coordinate the issuance of Still Photography Permits and fee processing and encourage such activity.

Ordinance 3712 (1998);

41.2202 Authority.

Pursuant to Sections 14999.20, 14999.21, 15335.22(d), 15338, and 65850.1(a) of the Government Code of the State of California, the Board of Supervisors has authority to adopt an ordinance governing the issuance of Still Photography Permits to engage in occasional commercial still photography on location, establishing a centralized County permit processing office, and authorizing use of a permit application form.

Ordinance 3712 (1998);

41.2203 Permits Required.

Except as set forth herein, a Still Photography Permit is required unless a Filming Permit has already been obtained. However a Still Photography Permit shall only be required if the photographic activity is done in the unincorporated area of San Bernardino County; uses lands that belong to, are managed by, or are under the jurisdiction of the County of San Bernardino; and otherwise requires the issuance of a permit by the County of San Bernardino.

All other uses for commercial or non-commercial purposes are not required to obtain a permit even if the photographer uses tripods, flashbulbs, strobe lights, portable view cameras, or interchangeable lenses.

Ordinance 3712 (1998);

41.2204 Exemptions From Fees and Still Photography Permits

(a) Full Exemptions

The following uses are exempt from the requirement of obtaining a Still Photography Permit, but must otherwise comply with all applicable laws, rules, and regulations:

(1) Still photography at an existing approved film studio. A Still Photography Permit will only be required if photography is done away from a permanent facility approved for such use;

(2) Still photography for private or family use;

(3) Still photography for use in criminal or civil proceedings;

(4) News media still photography;

(5) Still photography for educational and governmental purposes;

(6) Still photography for use in local origination programs for cable television systems franchised by the County;

(7) Still photography of emergencies including, but not limited to, fire, floods and emergency police activities, and

(8) Still photography on private or public land, except when the issuance of some other permit from the County is otherwise required.

(b) Partial Exemptions:

The following users are required to apply for a Still Photography Permit and to pay all fees, costs and reimbursements except for the Still Photography Permit Processing Fee referred to in Section 41.2208(a) and set forth in Section 16.0210A of the San Bernardino County Code, from which they are exempt:

(1) Still photography for use by a charity; and

(2) Still photography by a student who has submitted a letter written on school letterhead by a school administrator or instructor stating that the student is currently enrolled in a recognized U. S. educational institution and that the still photographs shall not be commercially released in any manner whatsoever.

Ordinance 3712 (1998);

41.2205 Film Office.

The Board shall designate a liaison between persons seeking Still Photography Permits ("Permittees") and the County, which liaison shall be referred to as the "Film Office." In addition, the Film Office will promote still photography in San Bernardino County, will assist production companies in finding suitable locations within San Bernardino County, will maintain a location photograph library, will coordinate with local businesses for production company support, and will serve as a marketing agent for the County.

Ordinance 3712 (1998);

41.2206 Notification of District

Upon the filing of an application for a Still Photography Permit, the Film Office will give written notification of the filing of the application to the County Supervisor for the district wherein the photography will be done.

Ordinance 3712 (1998);

41.2207 Film Office Liaison Functions

The Film Office will act as liaison between Permittees and the County for obtaining Still Photography Permits and paying County fees and other costs. Each County department shall have final approval or denial authority for use of the County properties for which it is responsible, and for issuance of permits for which it is responsible. When necessary, the Film Office may facilitate direct contact between Permittees and any County department or employee. The Film Office shall remit to the County all fees, costs and reimbursements collected on behalf of the County.

(a) Facilities Management - Facilities Management is responsible for scheduling the use of County owned or leased properties. Costs and fees charged by Facilities Management are set forth hereafter.

(b) County Fire Department - Permittees shall comply, at all times, with the Uniform Fire Code. On behalf of the County Fire Department, the Film Office will accept applications for fire safety permits. The Film Office will remit all County Fire Department fees and gather the required information and documentation for submittal to the County Fire Department. Once all requested information is received by the County Fire Department, the application will be reviewed. When approved, fire safety permits shall be delivered by the County Fire Department to the Film Office. The Film Office will then forward the fire safety permits to the Permittee. The hard copy of the fire safety permit will be maintained on file with the County Fire Department.

At the discretion of the County Fire Department, an event may require standby fire department personnel or equipment for public safety. These costs shall be paid as set forth hereafter.

(c) Sheriff's Department -

(1) Sheriff's Facilities and Services.

The Film Office shall coordinate the assistance of the Sheriff's Office in photographic activities through the Organizational Information Division of the Sheriff's Department. The Sheriff's Department shall charge Permittees for use of Sheriff's equipment, facilities and services, and for reimbursement of the costs therefor.

(2) Explosive Control Unit.

On behalf of the San Bernardino County Sheriff's Explosive Control Unit, the Film Office will accept applications for renewal and reactivation of explosive permits for special effects operators and will collect, and remit to the Sheriff's Department, all applicable fees. Applicants for new explosive permits will be required to present themselves in person at the Sheriff's Department for photographs and fingerprinting. The Film Office will remit all explosive permit fees to the San Bernardino County Sheriff's Department and forward the required documentation to the Sheriff's Explosive Control Unit. A photo copy of the applicants' pyrotechnic/special effects operator's license must accompany the application.

Applicants for explosive permits, and holders thereof, shall at all times comply with all laws, regulations and ordinances concerning explosives and pyrotechnic devices including, but not limited to, Division 11 of the Health and Safety Code (Health and Safety Code Section 12000, et seq.), regulations promulgated by the State Fire Marshal, and Section 45.011 of the San Bernardino County Code.

(d) Department of Public Health, Division of Environmental Health Services - The Division of Environmental Health Services of the County will provide assistance to the Film Office as needed. All sites used for still photography shall be kept in a safe and sanitary condition. All trash shall be contained in proper receptacles and disposed of by a San Bernardino County permitted refuse hauler. All pumping of portable toilets must be done by a liquid waste hauler with a permit from San Bernardino County. Food vehicles and food caterers shall be approved and permitted by Environmental Health Services, if food is to be provided on site, unless otherwise agreed by Environmental Health Services. To expedite this permitting procedure, the Film Office will gather the required information and documentation for submittal to Environmental Health Services. All required permit fees will be paid to the Film Office and forwarded to Environmental Health Services.

(e) Community and Cultural Resources Departments (Parks and Museum) - The Film Office will coordinate filming activity involving Parks or the County Museum through the Community and Cultural Resources Department. The Film Office will accept applications for Still Photography Permits and gather all required documentation and information from the applicant. A completed application and supporting documentation will be submitted by the Film Office to the Community and Cultural Resources Department for its review and approval. The Community and Cultural Resources Department will determine if any park personnel will be required to be present during the still photographic activity. The Community and Cultural Resources Department will forward approved permits to the Film Office and maintain a hard copy on file until such time as it may be destroyed pursuant to law.

(f) Transportation/Flood Control Department - On behalf of the Transportation/Flood Control Department, the Film Office will accept applications and fees for still photographic activities that require road encroachment, or other permits administered by the Transportation/Flood Control Department. The Film Office will obtain all necessary information from a Permittee and supply it to the Department. The Film Office will pay to the Transportation/Flood Control Department all fees and other monies collected from a Permittee. If the activity must be approved by the California Highway Patrol, a permit will not be issued until proof of such approval is submitted to the Transportation/Flood Control Department, directly or via the Film Office. When approved, the permit will be forwarded to the Film Office which will then forward the permit to the Permittee. The Transportation/Flood Control Department will retain the hard copy on file until such time as it may be destroyed pursuant to law.

(g) Airports Department - On behalf of the San Bernardino County Airports Department, the Film Office will accept applications and fees for still photography on County controlled airports. The Film Office will forward all

required fees to the Airports Department, collect all necessary information and documentation from the Permittee, and provide it to the Airports Department. When approved by the Airports Department, the Still Photography Permit will be forwarded to the Film Office, which will then forward it to the Permittee. A hard copy of any permit issued by the Airports Department will be maintained on file with the Airports Department until such time as it may be destroyed pursuant to law.

(h) Building & Safety Division - When applicable, the Building and Safety Division will review and approve Still Photography Permit applications that involve the construction of new sets, or the physical alteration of existing buildings within the County unincorporated areas. This activity will be coordinated through the Film Office, which will accept applications from Permittees and will pay to the Building and Safety Division any fees that the Film Office collects on its behalf. The Film Office may refer Permittees to the Building and Safety Division when direct contact would expedite processing the permit application.

(i) Special Districts Department - On behalf of the Special Districts Department, the Film Office will accept applications and fees for still photography activities in areas under the jurisdiction of, or facilities managed or administered by the Special Districts Department including, but not limited to, Board-governed special districts, County Service Areas, Lake Arrowhead Dam, and other facilities. Such facilities include various roads, cemeteries, parks and recreation areas, zoos, open space, water and sanitation facilities and other facilities throughout San Bernardino County. In addition to fees for use of areas, facilities, and services, Permittees shall pay a non-refundable fee for temporary use or closure of a road, the excavation of a trench, and the placement of meters and locks on hydrants used to provide water for the purpose of taking still photographs.

The Film Office will coordinate construction and safety inspections, where necessary, by the Special Districts Department and by the Building and Safety Division of any construction by Permittee acting under the jurisdiction of the Special Districts Department.

The Film Office will obtain all necessary information from the Permittee and supply it to the Special Districts Department. The Film Office will pay to the Special Districts Department all fees and other monies collected from the Permittee on behalf of the Special Districts Department. The Special Districts Department will retain the hard copy of any permits it may issue until such time as the permits may be destroyed pursuant to law.

Ordinance 3712 (1998);

41.2208 County Permits, Fees, Costs and Reimbursements.

Prior to the issuance of a Still Photography Permit, the Permittee must pay the applicable fees and deposits set forth herein, and in other applicable laws, ordinances, rules and regulations. Such fees shall be collected by the Film Office and paid over to the appropriate County Department, except for the Still Photography Permit Processing Fees, which shall be retained by the Film Office.

(a) Film Permit Processing Fees - Still Photography Permit Processing Fees are set forth in Section 16.0210B of the San Bernardino County Code. Such fees shall be paid to the Film Office which shall keep them for payment of its services.

(b) County Fire Department Fees - In the event that any fire safety permits are required, they shall be obtained through the Film Office from the local fire department or County Fire Department, as appropriate. The County Fire Department will distribute information to, and coordinate actions with, local fire departments, as appropriate.

At the discretion of the fire department with jurisdiction over the area where the still photography will be done, an event may require fire department personnel or equipment for public safety. These costs shall be paid prior to the event. The County Fire Department shall charge the fees for fire safety permits set forth in Section 16.0211A(c) of the San Bernardino County Code, and shall charge for necessary fire department personnel or equipment pursuant to the Uniform Fire Code, as amended. Such fees may be paid to the Film Office, which will remit them to the appropriate fire agency.

(c) Sheriff's Department - The Sheriff's Department may negotiate directly, or through the Film Office, for use of Sheriff's Equipment, facilities and services, and for reimbursement of the costs thereof. In the event that a Class I Explosive is to be utilized for any part of the Permittee's activity, an Explosive Permit must be obtained from the San Bernardino County Sheriff's Department. Fees charged by the Sheriff's Department are set forth in Section 16.0226 of the San Bernardino County Code. Unless otherwise directed by the Film Office, the fees shall be paid by the Permittee to the Film Office prior to issuance of the permit. All fees shall be paid by the Film Office to the Sheriff's Office.

(d) Road Encroachment Permit, Trench Excavation, Flood Control Permits If the photographic activity will involve the temporary use or closure of a County road or highway, excavation of a trench, or use or disturbance of a flood control channel, a non-refundable permit must be obtained through the Film Office from the San Bernardino County Transportation and Flood Control Department. These permits must be obtained even if the use is otherwise exempt pursuant to Section 41.2204. Fees for road use or closure, and fees for trench excavation are respectively set forth in Sections 16.0225(a) and (b) of the San Bernardino County Code. Fees concerning use, access and disturbance of flood control channels, and related matters, are set forth in Section 16.0212 of the San Bernardino County Code.

(e) Environmental Health Services - If, during the photographic activity the Permittee operates a food concession, the Permittee shall pay the fees set forth in Section 16.213(b)(9) and (10) of the San Bernardino County Code, as amended. If a subcontractor of Permittee, or an independent contractor, provides a food concession, such person, and not the Permittee, shall be responsible for payment of the fees set forth in Section 16.213(b)(5) and (6) of the San Bernardino County Code, as amended.

(f) Airport Use Fees - The Film Office shall charge, collect, and remit to the Airports Department the fees set forth in Section 16.022 of the San Bernardino County Code.

(g) Museum Fees - If the services or facilities of the County Museum are used by the Permittee, the Permittee shall pay the fees and charges set forth in Section 16.0218 of the San Bernardino County Code, as amended, to the Film Office which shall remit them to the Community and Cultural Resources Department on behalf of the Museum.

(h) Regional Park Fees - If using the facilities or services of the Regional Parks, Permittee shall pay the fees and charges set forth in Section 16.0223 of the San Bernardino County Code, as amended, or such other fees and charges as may be charged by the Community and Cultural Resources Department. The fees and charges shall be paid to the Film Office, which shall immediately remit them to the Community and Cultural Resources Department.

(i) Special Districts Department - The Film Office shall charge, collect, and immediately remit to the Special Districts Department the fees set forth in Section 16.0226A of the San Bernardino County Code, as amended, and such other fees and charges as may be charged by the Special Districts Department.

The Film Office shall also collect any fees, including fees for coordinated permits, that the Permittee may need for water and/or sanitation services within the jurisdiction of the Special Districts Department. Additional fees may be collected for meters and locks that may be necessary for the use of hydrants to provide water for uses other than that of the County Fire Department.

(j) Other County Departments - If Permittee uses county services, or property owned, leased, or managed by a county department other than those listed herein, Permittee shall pay the Film Office such charges as are provided in the San Bernardino County Code, as amended, or that may be required by the department directly or through the Film Office. The Film Office shall collect such charges and forward them to the appropriate Department.

Ordinance 3712 (1998);

41.2209 Billing Procedures.

All projected fees, reimbursements and costs must be paid to the Film Office prior to the issuance of a Permit. Upon completion of the project for which the Permit was issued, reimbursements and costs actually incurred shall be determined. Overpayments will be returned by the Film Office within 30 days from the conclusion of the activity. Underpayments will be billed to Permittee by the Film Office and are due within 30 days of the day the billing is mailed. Should the underpayments not be timely paid, the affected County Department may pursue collection of the underpayment.

Ordinance 3712 (1998);

41.2210 Indemnification.

The Permittee agrees, as a condition of receiving a Still Photography Permit, to indemnify, defend and hold harmless the County of San Bernardino, the San Bernardino County Flood Control District and all Districts, County Service Areas, and other entities governed by the San Bernardino County Board of Supervisors along with their authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of the photographic activity from any cause or source whatsoever, including, but not limited to, the acts, errors or omissions of any person, and for any costs or expenses incurred by any of the aforementioned entities and individuals on account of any claim therefor, except where prohibited by law. Permittee further agrees to be responsible for payment of any medical charges incurred at any County facility as a result of injury to any person arising out of the photographic activity.

Ordinance 3712 (1998);

41.2211 Insurance.

(a) Types of Insurance - Without in any way affecting the indemnity provided herein, and in addition thereto, the Permittee shall, at its sole expense, maintain at all times the following types of insurance with limits as shown:

(1) Comprehensive General and Automobile Liability Insurance - This coverage to include contractual coverage and automobile coverage for owned, hired and non-owned vehicles. The policy shall have combined single limits for bodily injury and property damage of not less than one million dollars (\$1,000,000).

(2) Pyrotechnic Liability Insurance - In the event that a Class I Explosive permit is to be utilized for any part of the Permittee's Filming Activity, the Permittee will be required to obtain specific pyrotechnic coverage at an amount to be determined by the County Risk Manager as suitable for the scope of the planned pyrotechnic/special effects explosion(s). The minimum requirement for any pyrotechnic coverage policy shall be combined single limits for bodily injury and property damage of not less than two million dollars (\$2,000,000) per occurrence.

(3) Aircraft Liability Insurance - (when applicable), with combined single limits of \$10,000,000 for bodily injury (including passengers), death and property damage.

(4) Workers' Compensation - A program of Workers' Compensation insurance or a state-approved Self-Insurance Program in an amount and form to meet all applicable requirements of the Labor Code of the State of California, including Employer's Liability with \$250,000 limits, covering all persons providing services on behalf of the Permittee and all risks to such persons. Permittee shall also require all subcontractors to maintain such a program of Workers' Compensation insurance for all persons providing services on behalf of the subcontractors.

(b) Policy Provisions:

(1) Additional Named Insured - All policies, except for Workers' Compensation policies, shall contain additional endorsements naming the County and its officers, employees, agents and volunteers as additional named insured with respect to liabilities arising out of Permittee's photographic activities.

(2) Waiver of Subrogation Rights - Permittee shall require the carriers of the above required coverages to waive all rights of subrogation against the County, its officers, employees, agents, volunteers, contractors and subcontractors.

(3) Policies Primary and Non-Contributory - All policies required above are to be primary and non-contributory with any insurance or self-insurance programs carried or administered by the County.

(c) Proof of Coverage - Permittee shall, prior to issuance of the Still Photography Permit, furnish certificates of insurance to the Film Office evidencing the insurance coverage, including endorsements, above required, which certificates shall provide that such insurance shall not be terminated or expire, prior to expiration of the Still Photography Permit, without thirty (30) days written notice to the Film Office, and Permittee shall maintain such insurance throughout the period of the Permit.

(d) Insurance Review - The above insurance requirements are subject to periodic review by the County. The County's Risk Manager is authorized, but not required, to reduce or waive any of the above insurance requirements whenever the Risk Manager determines that any of the above insurance is not available, is unreasonably priced, or is not needed to protect the interests of the County. In addition, if the Risk Manager determines that heretofore unreasonably priced or unavailable types of insurance coverage or coverage limits become reasonably priced or available, the Risk Manager is authorized, but not required, to change the above insurance requirements to require additional types of insurance coverage or higher coverage limits, provided that any such change is reasonable in light of past claims against the County, inflation, or any other item reasonably related to the County's risk.

Ordinance 3712 (1998);

41.2212 Film Credits.

The County of San Bernardino requests to be listed on any credits.

Ordinance 3712 (1998);

41.2213 Other Regulatory Provisions.

Compliance with the provisions of this chapter does not exempt a Permittee from compliance with other requirements of this Code with the laws of the State of California, and with the laws of the United States.

Ordinance 3712 (1998);